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Security Council

Sixty-fourth year

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6159th meeting

Friday, 10 July 2009, 10 a.m.

New York

President:	Mr. Rugunda	(Uganda)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Koudougou
	China	Mr. Du Xiaocong
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Safronkov
	Turkey	Mr. Çorman
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation concerning the Democratic Republic of the Congo

Twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/335)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/335)

The President: I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ileka (Democratic Republic of the Congo) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Alan Doss, Special Representative of the Secretary-General and head of the United Nations Organization Mission in the Democratic Republic of the Congo.

It is so decided.

I invite Mr. Doss to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, contained in document S/2009/335.

At this meeting, the Security Council will hear a briefing by Mr. Alan Doss. I now give him the floor.

Mr. Doss (*spoke in French*): Three months ago, I presented to members the twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2009/160) (*see S/PV.6104*). Since then, significant progress has been made in the two main processes under way since the beginning of the year: the integration of Congolese armed groups into the national army and the operations against foreign armed groups. It must be recognized, however, that those two processes have also been accompanied by grave humanitarian consequences for the civilian population. Under our mandate, their protection is at the heart of our concerns. MONUC has thus enhanced its efforts to improve civilian protection in a conflict that extends over vast areas of operation.

We are working closely with the Government to resolve serious problems regarding logistics and the command, training and discipline of the troops involved in the operations against the Forces démocratiques de libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA). Those problems are the cause of many abuses against civilians by elements of the army and are reducing the effectiveness of the operations against those foreign armed groups. But the fact that these operations are increasingly being carried out in areas to which it is difficult to gain access has disproportionately increased the logistical needs not only of MONUC, but also of the Forces armées de la République démocratique du Congo (FARDC), whose material and financial means are very limited.

(*spoke in English*)

The international community has consistently advocated action to dismantle armed groups operating in the eastern part of the Democratic Republic of the Congo. Such action is now under way, but the humanitarian impact has, understandably, raised many concerns. A spate of reprisal attacks by the FDLR and the LRA have caused new population displacements and serious human rights violations by those armed groups, as well as by undisciplined FARDC soldiers, which has created growing apprehension in the Democratic Republic of the Congo and in the international community. We take those concerns very seriously and have addressed them with the

Government at various levels. MONUC conducted a joint evaluation of Operation Kimia II with the FARDC in June, and the Force Commander is working with the FARDC commanders to resolve problems identified during that evaluation.

These problems have to be considered in the context of the understandings reached between the Governments of the Democratic Republic of the Congo and Rwanda. Those agreements led to the end of the rebellion by the Congrès national pour la défense du people (CNDP) and to the commitment to determined action against the FDLR. While those developments offered the prospect that the recurring cycle of violence in the Kivus could be ended, they obliged the Congolese Government to quickly integrate into the army large numbers of untrained and inadequately equipped troops and to launch a campaign of considerable complexity to capitalize on the early gains of the joint Rwanda Defence Forces-FARDC operation against the FDLR in February of this year. Without this continuity between operations Umoja Wetu and Kimia II, the FDLR would have been able to reorganize and to reoccupy areas that they had been pushed out of. That has been prevented in North Kivu. In South Kivu, operations have just started, but already the FDLR has been dislodged from some of its traditional strongholds.

As a key part of the strategy to deal with the FDLR, we have sought to enhance the protection of civilians. MONUC has established 35 military bases in North Kivu, many of which are in very remote areas where operations against the FDLR are ongoing. Those bases have allowed for close monitoring of the operations and rapid intervention in a number of instances. However, the manning of so many bases also means that our resources are stretched thin, and the capacity of the force to send significant reinforcements to new trouble spots is limited. That imposes increasingly difficult choices about how and where to respond to new threats. The arrival of the additional forces authorized under resolution 1843 (2008) will help alleviate the pressures. Some of those troops will be used as a reserve force to enable the Mission to respond to multiple crises in various locations.

In the meantime, we have reinforced our North Kivu brigade by redeploying units from Ituri and Katanga. Currently, two thirds of our troops are in the Kivus. Another 20 per cent are in Orientale province, essentially in the districts of Ituri, Haut Uélé and Bas Uélé, where we are still facing security challenges from residual elements of the militia of the Forces de résistance patriotiques en Ituri and the LRA. Additional troops are now being redeployed from Kinshasa to bolster the operations against the LRA.

In the two Uélé districts, we have seen a number of attacks, with renewed abductions of civilians, although at a lower level than a few months ago. MONUC has established new bases in those districts to better support the FARDC in its operations against the LRA. We have created coordination mechanisms with humanitarian actors on the ground with a view to facilitating access and the delivery of assistance. We are escorting humanitarian convoys on key roads and securing zones for air drops. The FARDC has increased its presence in the area to more than 6,000 troops. With the assistance of military intelligence provided by Uganda and information gathered from local sources, Operation Rudia — the operation against the LRA — aims to reduce the threat posed by that group to civilians. The goal is to track down the last of these Ugandan rebels before they can regenerate their forces with new abductees.

I have already reported to the Council on the deployment of Joint Protection Teams (JPTs) composed of civilian personnel from various sections of the Mission. Those teams have now undertaken a total of 30 protection and assessment missions, mostly but not exclusively in North Kivu. Civil-military cooperation has improved significantly with the assistance of these teams, which have helped create awareness of local and ethnic dynamics that contribute to violence. Despite limited civilian personnel and logistical capacities, the JPTs have also been instrumental in anticipating and preventing attacks and in improving the rapid response capacity of MONUC, as well as that of the FARDC.

Furthermore, MONUC has established an early warning and rapid response cell in the Mission. This cell systematically monitors operations and their humanitarian consequences. It analyses the patterns of FDLR and LRA attacks, and tracks human rights violations by FARDC soldiers in order to better identify particularly problematic commanders or units and to advocate for disciplinary action. This monitoring also allows us to obtain information on units that perform well and provide them with more targeted support.

Overall, cooperation between the FARDC and MONUC has deepened and joint operations centres are now functioning relatively well in Goma and Bukavu. Joint coordination centres have been established in the three operational zones within North and South Kivu. The FARDC itself is making an effort to improve its public outreach so as to create a better understanding in local communities of the rationale for operations.

We continue to stress the critical importance of integrating the protection of civilians into the planning of operations at the strategic and tactical levels. This was a key feature of the joint evaluation meeting held in June with the Minister of Defence and the FARDC chief of staff. They presented a candid assessment of the impact of FDLR reprisal attacks, as well as exactions by undisciplined FARDC soldiers, which they acknowledged. Some of the FARDC discipline problems stem from delayed salary payments. Others are due to the fact that many integrated ex-combatants — especially those from militias — maintain loyalty to their former commanders. I am very pleased to report, however, that the Government and the army command have taken measures to reinforce military justice, and that several FARDC soldiers accused of crimes in the course of the current operations have now been tried and sentenced.

We have pressed for the removal of notorious commanders within the FARDC, including those on the list that the Council presented to the Government during its visit to the Democratic Republic of the Congo in May. I can report that President Kabila has given instructions for their immediate removal from command positions, while the Defence Minister has instructed the military prosecutor to initiate legal procedures against them. We shall continue our advocacy on this issue, and we have made it very clear that we cannot engage in or support operations with units that show blatant disregard for international humanitarian law, or where there is a significant risk that they may do so.

A particularly important aspect of the protection of civilians is the fight against sexual and gender-based violence. This scourge has accompanied the conflicts in the eastern Democratic Republic of the Congo, but we have also seen violence against women and girls in provinces that have been at peace for some years. The Government and international partners have adopted a comprehensive strategy on which I reported in my last presentation. We now have to ensure that all relevant actors implement it through decisive action, including through the judiciary and corrections systems. The military must sanction soldiers found guilty of crimes involving sexual violence, and hold commanders responsible for the behaviour of their troops. President Kabila has declared a zero-tolerance policy in this respect and has instructed the Minister of Defence to personally meet with all commanders in the field to underline their personal accountability for troops under their command.

While I do not want to downplay the problems faced by Operations Kimia II and Rudia II, we should not overlook the fact that many FARDC soldiers are conducting challenging operations in particularly difficult circumstances, often with minimal support and with remarkable determination. More than 50 soldiers have lost their lives in the campaign against the FDLR, and more than 30 have been seriously wounded.

It is too soon to make a definitive assessment of the ongoing operations against the armed groups, but we can draw some initial conclusions. Operation Iron Stone and the long struggle to dismantle the remaining armed groups in southern Ituri, seem to be approaching the home stretch. Most of Ituri, which was the most troublesome area of the Democratic Republic of the Congo from 2003 to 2005, when many thousands died and when 2 million were displaced, is today largely pacified. The remnant militia in southern Ituri represent more a form of localized banditry than a serious challenge to State authority. We are hopeful that combined military pressure and community dialogue will resolve that problem once and for all.

In North Kivu, the FDLR has been reduced to fairly isolated pockets in Rutshuru and Masisi territories, but significant numbers of combatants are still present in Walikale and Lubero territories where we have seen a string of particularly vicious attacks around Kanyabayonga and surrounding villages. Operations in those areas are complicated by illegal trading networks, in which some FARDC elements and their dependents may be involved. Some FARDC elements have also carried out exactions in those communities and local populations therefore often distrust the newly integrated brigade.

Targeted military pressure, allied to an enhanced effort to attract new defections of FDLR cadres, is needed to further reduce the capacity of the FDLR and to diminish the accompanying threat to civilian

populations. We are currently reviewing our approach to disarmament, demobilization, repatriation, reintegration and resettlement in order to encourage further defections, especially among young soldiers who were not implicated in the genocide. Altogether, almost 10,000 Rwandans have been repatriated since January 2009, of whom 1,206 were combatants. That is a significant increase over 2008, when 1,300 FDLR combatants and dependents in total, were repatriated by MONUC during the course of the whole year.

In South Kivu, the FARDC has deployed as many as 24,000 soldiers into areas where an FDLR presence has been reported. Cordon and search operations and offensive actions began in June, in Kalehe and Shabunda territories. During the Kimia II deployment phase, the FDLR has, however, launched reprisal attacks against civilians and raided defensive positions of the FARDC. In some areas, ex-CNDP units were deliberately targeted, and some of those units got embroiled in local conflicts, with unfortunate ethnic connotations. This has tended to undermine the cohesion of the FARDC troops in those areas, and some former Mayi-Mayi combatants have left the army and reactivated community protection militias.

The FDLR is apparently trying to divide FARDC loyalties and seek new alliances with remaining or re-emerging local armed groups. It is taking advantage of the fact that many commanders of Operation Kimia II are ex-CNDP officers, some of whom may have committed serious human rights violations in South Kivu and are consequently viewed with suspicion by local populations. This is a threat not only to operation Kimia II, but also to the integration process. It would be advisable, therefore, for the FARDC to rotate some of those commanders and troops from those areas, so that they are less likely to be associated with past events.

All these developments are an indication of the challenges faced by Operation Kimia II in South Kivu, which will be the decisive arena in the campaign against the FDLR. The bulk of FDLR combatants are present in seven out of eight territories in South Kivu. Dismantling the FDLR will require a multidimensional approach, comprising a combination of sustained military pressure and enhanced efforts and incentives to induce the younger elements of the FDLR to surrender or defect.

More determined action against the FDLR leaders in exile is also essential in our view. As members have seen from the most recent report of the Group of Experts which is monitoring the arms embargo (see S/2008/832), those leaders, operating from abroad, continue to maintain contact with commanders on the ground. We have reports from FDLR defectors that they are involved in planning operations. MONUC is currently exploring legal options for Member States to prosecute those leaders for illegal acts committed in the DRC. While the FDLR has not launched any serious attack against Rwanda for several years, it continues to commit atrocities against Congolese civilians on a large scale.

Several LRA commanders have been captured or killed since the beginning of Operation Rudia. LRA bases in the Caramba National Park have been destroyed, and the logistical support structure has been disrupted. According to FARDC figures, 109 LRA combatants were killed and 115 arrested as of late June.

While these are significant achievements, it will be some time before the LRA threat is completely neutralized. We are particularly concerned about the fate of hundreds of children and young men and women who have been abducted by the LRA, not only in the Democratic Republic of Congo, but also in Central African Republic and Southern Sudan since late last year.

Accounts from escapees indicate that the LRA is training some of them to fight and to replenish their ranks. The LRA has also extended its presence over a vast area from Ituri to the western Central African Republic and into Southern Sudan. In some areas, that has provoked the emergence of local self-defence groups akin to the Mayi-Mayi in the Kivus. The LRA therefore remains a serious security challenge that will require the sustained commitment of all Governments and United Nations missions in the subregion, if the group is to be effectively contained and neutralized.

We therefore welcome the initiative of the Ugandan and Democratic Republic of Congo chiefs of defence staff to invite their counterparts from the Central African Republic as well as MONUC and the United Nations Mission in the Sudan (UNMIS) for regular consultations on operation Rudia. MONUC has established informal contacts with our sister missions UNMIS and the United Nations Peacebuilding Support

Office in the Central African Republic (BONUCA) to exchange information on LRA activities on a regular basis.

We have also reinforced and continue to reinforce our presence in the LRA-affected areas, but the effectiveness of military operations would be greatly enhanced if we could get access to better intelligence on these armed groups. We invite Member States to share such intelligence with us.

The implementation of the 23 March agreements between the Government of the Democratic Republic of Congo and the Kivu armed groups is proceeding steadily if somewhat slowly. The Government has promulgated the amnesty law, a first group of civilian prisoners related to the CNDP have been released, and the CNDP has been registered as a political party. MONUC has conducted an assessment of the CNDP war wounded and has provided emergency assistance to some of them. However, the military integration of CNDP, the Coalition des patriotes résistants congolais (PARECO) and the Mayi-Mayi militias continues to be hampered by delayed salary payments and difficulties in streamlining the command structure. Some of these armed groups complain of unequal treatment. We will continue to work closely with the Secretary-General's Special Envoy, former President Obasanjo, to facilitate the implementation of the other provisions of the 23 March agreements.

While we are supporting the current army integration process, I would like to underline once again the critical importance of comprehensive security sector reform, including the vetting of security forces. The Government circulated a new draft for army reform earlier this year, and presented a revised proposal enriched with comments and recommendations from international partners. This revised plan has been approved by the Conseil supérieur de la défense and submitted to parliament. The Minister of Defence has informed me that he will convene shortly a meeting of international partners to discuss the way forward on military reform. Personally, I believe a consortium of the willing will be essential to assist the Government in this reform process, which, of course, will extend long beyond the life of MONUC itself.

In the meantime, I have conveyed a set of proposals to the Minister of Defence for immediate action to consolidate the integration of armed groups in the Kivus. We would discourage, however, the integration of additional militias into an already plethoric FARDC. I believe that we have reached the point of saturation. The Government cannot afford or successfully integrate a huge number of new ex-combatants, which in turn would tend to create new demands for integration from other groups that emerge as a result.

The FARDC chief of staff has informed us that, on instruction from President Kabila, he will send two brigades for training by MONUC at our centres at Luberizi and Nyaleke, starting in October. A third training centre for an additional brigade is to be opened near Kindu in January 2010. Another two brigades could enter the training cycle in May 2010.

I am grateful to the Government of Tanzania for agreeing to send 200 military trainers to join MONUC; they will provide six-month training courses for the FARDC. The Congolese army therefore aims at training 15 battalions with the help of MONUC up to the end of October 2010, which I hope will greatly facilitate the integration process. If this can be achieved, and depending, of course, on some other developments, it would facilitate the downsizing of MONUC's own forces, as the FARDC could then progressively take over security tasks now carried out by MONUC.

We are also encouraging the Government to submit to parliament, without further delay, the framework law on police reform, without which the ongoing reform of the police will be unable to progress much further. Reforms are also urgently needed in the justice and penitentiary sector, especially to improve prison conditions, which generally are deplorable.

The Prime Minister formally presented the stabilization plan for the East to international partners on 9 June in Kinshasa, and we are awaiting a presidential decree establishing its steering committee and provincial coordination mechanisms, which subsume the previous structures of the Amani programme. The plan builds on and incorporates the earlier work done by the United Nations Security and Stabilization Support Strategy, which the Council had mandated us to prepare, and is the result of a substantial joint planning exercise involving Government ministries, international agencies and bilateral partners.

The plan is an important tool for the Government to mobilize critical resources to consolidate security, expand State administration and create employment in areas most affected by past and sometimes ongoing conflict. The plan has been costed at $1.2 billion, of which $400 million has already been made available through the United Nations Security and Stabilization Support Strategy and the Humanitarian Action Plan. Additional resources can be expected as soon as our international partners begin to see results of the implementation of existing programmes. This is extremely important at a time when the Government is struggling with serious budgetary constraints, and we hope that this opportunity will not be lost.

I am pleased to report that several aspects of the Stabilization Strategy are already at an advanced stage of implementation, notably the rehabilitation of six key transport routes in the Kivus and Ituri; training and deployment of the police, including the proximity police requested by CNDP, and the judiciary; and the preparations for the return of internally displaced persons and refugees, with the support of the Office of the United Nations High Commissioner for Refugees. I would like to take this opportunity express my sincere appreciation to all donors and partners that are contributing to the stabilization plan and the Humanitarian Action Plan.

Unfortunately for the country as a whole, the economic situation remains very difficult. Several partners, including the International Monetary Fund, the World Bank and the European Union, have extended emergency assistance to the Democratic Republic of the Congo to help it weather the current financial crisis. However, in order to effectively capitalize on this support, the Government should take decisive action to improve the management of public finances and to address the continuing lack of transparency and accountability, which has seriously hampered socio-economic recovery. In his Independence Day address this year, President Kabila openly criticized corruption and mismanagement and signalled a new resolve to tackle these major obstacles to the country's development and its reform agenda.

The Independent Electoral Commission started the voter registration update as planned, on 7 June in Kinshasa. This event led to a considerable mobilization of the major political parties, including at least one that boycotted the electoral processes of 2005 and 2006. Despite this growing momentum, national authorities still have not provided the Commission with an official list of constituencies, which puts into question the timely launch of the voter registration update in the rest of the country, which is scheduled to start in August.

The Electoral Commission and MONUC are currently exploring administrative options that are politically acceptable to obtain provisional territorial delimitations in order to move ahead, while waiting on passage of the law by parliament. We are aware, however, that in some provinces this territorial delimitation is a politically sensitive issue and has already provoked some local tensions. MONUC continues to monitor these developments, both at national and provincial levels.

While the delayed adoption of the enabling legislation is unfortunate, it does not yet mean that the local elections cannot be held in early 2010. Nevertheless, the time frame is narrowing, which in turn makes it increasingly difficult to ensure that the necessary logistical support will be available on time.

To assist the Government in curbing the illegal exploitation and export of natural resources, MONUC has trained military and civilian staff to carry out the tasks mandated by resolution 1856 (2008). MONUC continues to provide considerable support to the Group of Experts monitoring the arms embargo, as mandated by the Council, and the Mission has participated in several workshops with bilateral partners where options to tackle illegal exploitation have been explored.

MONUC has also reinforced its deployment and patrol activities in and around the Kahuzi-Biega and Virunga National Parks in the Kivus, where poaching and illegal charcoal-burning, as well as the presence of armed elements, threaten those World Heritage sanctuaries. The FDLR is the main culprit, but it is apparent that the lucrative charcoal trade also benefits from the complicity of elements in the FARDC and local authorities in the Kivus. It should be noted that Rwanda is one of the main importers of this charcoal.

I want to express my gratitude to Bangladesh, Egypt, Jordan and Tanzania, which are to deploy the additional troops and police personnel authorized under earlier resolutions of the Council, including special forces and a contingent of trainers. I also thank Belgium for providing a C-130 military transport

aircraft and Uruguay for making two military helicopters available.

We look forward to seeing the additional troops and police arrive, but it remains necessary for the troops to have the required aviation, communication and logistical assets to ensure the effectiveness of their mission. I therefore repeat our request for 16 additional military utility helicopters and an additional C-130 transport aircraft. I also want to re-emphasize that obtaining aerial imaging and signals technologies to track LRA and FDLR leaders and their forces would be most helpful to us.

During the Council's visit to the Democratic Republic of the Congo in May, I provided a comprehensive briefing on MONUC's planned reconfiguration, as had been requested by the Council. The Council is therefore aware that the Mission is preparing for a gradual transition in the western part of the country, pursuant to resolution 1856 (2008). An assessment team comprising Government, MONUC and United Nations country team participants visited Bandundu province last month. Similar teams will make assessments in the other western provinces so that, by September, we can provide plans and recommendations for the reconfiguration and, where appropriate, the handover. That will not be a simple or easy task. Please remember that the country team and other partners are not strongly represented in many of the western provinces either.

As indicated in the Secretary-General's report, we will elaborate together with the country team an integrated strategic framework defining common objectives for the United Nations in the Democratic Republic of the Congo, so that we have a cohesive vision and approach to the transition and beyond. That framework will detail the progressive handover of MONUC tasks in the western part of the country on the basis of the recommendations that I have just referred to. I expect that the outcome of the reconfiguration exercise will be fully reflected in that framework.

(*spoke in French*)

We are now at a critical stage in our support for the simultaneous efforts of the Government of the Democratic Republic of the Congo to integrate Congolese armed groups and to neutralize the threat posed by foreign groups. We are well aware of the stakes involved. Given new acts of violence against civilians, in particular sexual violence, we are forced to adapt our strategy and to do everything possible to strengthen our role in the protection of civilians. To that end, I have reached an agreement with the Government to carry out a second assessment of Operation Kimia upon my return to the country.

Nevertheless, it is critical that we not lose sight of our goal, namely, neutralizing once and for all the threat posed by armed groups destabilizing the eastern part of the Democratic Republic of the Congo and causing tremendous suffering to the inhabitants of the Kivus and Orientale province. Backing off halfway through could have devastating consequences, both for the provinces concerned and at the regional level, where foreign armed groups have been a major factor in tensions and even instability.

We should pool our efforts to complete that task as part of a comprehensive and coordinated strategy that takes advantage of all the tools available: military, diplomatic, legal, socio-economic and political. MONUC has an important role to play in that strategy to support the Government. However, without the Council's material, political and diplomatic support, we will not be able to succeed. The Government of the Democratic Republic of the Congo and MONUC count on the Council's support in the weeks and months to come to re-establish lasting peace in the eastern part of the country and throughout the region.

The President: I thank Mr. Alan Doss for his briefing.

There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.50 a.m.